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Planning acts in Polish energy law

doctoral thesis written under the supervision of professor Czesław Martysz and assistant supervision of doctor Dawid Gregorczyk.

Abstract

The energy transformation challenge with its multiple pathways to attaining a sustainable development causes necessity of dynamic adjusting of the goals and initiatives stemming from the widely perceived energy policy. This requires flexible and efficient tools for managing the transformation on multiple levels (national, regional and local) and among different actors (state administration, local governments, energy companies, regulatory bodies). Among the required tools there are also legal instruments, including planning acts which are a specific form of operation of public administration bodies.

The aim of the thesis is to prove that planning acts are an effective legal instrument, in terms of achieving the objectives of the energy policy, including the objectives which are set in the Act of 10th April 1997 The Energy Law. In order to verify the thesis, a specific planning system in energy sector was deployed and developed, based on the analysis of the catalog of the planning acts regulated in legal acts related to Polish energy sector. The analysis included in this study was performed mainly in 2019-2020 and covered national planning acts.

The considerations included in this study are mainly theoretical, based on the legal and dogmatic approach. The analysis has an interdisciplinary nature, using primarily the achievements of the literature and jurisprudence in the domain of administrative law and public economic law, but also relating to theories and concepts developed by theory of organization and theory of management. The study involves an evaluation of the derived energy policy planning system from the perspective of realisation of decentralisation and subsidiarity principles.

The significance of this study is that it contributes to the literature in the field of planning in public administration which is gaining in importance due to popularization of more business oriented approaches to running public services, such as New Public Management. What is more,

the results of the study may help to improve the process of developing and implementing public policies not only in energy sector but also in other domains of the public sector.

The results of the study indicate that there are certain possible directions to improve the quality of planning in Polish energy sector, both from legal and managerial perspective. The possibilities which are mentioned in the study do not have the value of ready-made solutions. They are, however, directions of changes justified by an interdisciplinary approach. They should be further discussed and analysed with a goal to create the first complete, coherent, integrated and, above all, fully efficient planning system on the basis of Polish law.